

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DELBERT COBB,

Case No. 3:14-cv-00362-MMD-WGC

Petitioner,

ORDER

v.

E.K. McDANIELS, et al.,

Respondents.

14 This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28
15 U.S.C. § 2254 by a Nevada state prisoner.

16 Petitioner has submitted an application to proceed *in forma pauperis*, a request
17 for a stay, and a motion to expand the record. (Dkt. no. 1, 1-2, 1-3.). However, no
18 petition has been submitted. Unless an issue of federal constitutional or statutory law is
19 implicated by the facts presented, there is no cognizable claim under federal habeas
20 corpus. *Estelle v. McGuire*, 502 U.S. 62, 68 (1991). As there is no petition filed in this
21 action, it will be dismissed, without prejudice to filing a petition as a new action.

22 It is therefore ordered that this action is dismissed without prejudice for failure to
23 present a habeas corpus petition.

24 It is further ordered that all pending motions, including the application to proceed
25 *in forma pauperis* (dkt. no. 1), motion for a stay (dkt. no. 1-2), and motion to expand the
26 record (dkt. no. 1-3) are denied.

27 It is further ordered that petitioner may file a petition, but any such petition must
28 be opened as a new case. No further documents shall be filed in this case.

1 It is further ordered that the Clerk of Court shall enter judgment accordingly.
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4 DATED THIS 27th day of October 2014.
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MIRANDA M. DU
UNITED STATES DISTRICT JUDGE